

Application No. 10/080,437
Response to Final Office Action dated December 29, 2003

REMARKS

Summary of the Office Action

Claims 1-10, and 41-60 stand rejected.

Now pending are claims 1-10 and 41-60.

No claims are being amended in this response.

Summary of the Office Action

The following remarks are being presented for consideration, along with a Request for Continued Examination.

Remarks

It is Applicant's position that provisional application 60/113,181 by Kim is the appropriate prior art reference, not U.S. Patent No. 6,239,968. Utility applications often contain new matter that was not included in the provisional application. If Examiner is relying on new matter in the Kim patent in making the rejection, then the rejection is not appropriate, as the new matter is not described in a proper prior art reference.

In the present case, the Examiner relies heavily on FIG. 14 in the Kim patent. This figure is not in the Kim provisional application. *In fact, none of the figures in the Kim provisional application illustrate a computing device or any form of a handheld computer. All of the figures in the Kim provisional application are for a "detachable case". (see pages 5 and 6).* There is little mention on a computing device in the text of the provisional application. Applicant makes reference to page 14, lines 19-23, as having descriptive text, but even this description does not adequately anticipate the claims of this application.

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Applicant makes reference to the following claim elements which are examples of claimed features which are disclosed in the Kim provisional application:

- Claim 1: "a slot that extends at least a majority of a length of the housing and is at least partially exposed along a lateral side of the housing..."
- Claim 43: "the housing including a midframe positioned at least partially between the front shell and the back shell, wherein the midframe is at least partially exposed along one or more peripheral surfaces of the housing..."
- Claim 57: "wherein first slot is only partially formed so as to have an opening that extends at least a majority of a length of the first slot, the opening of the first slot being formed on a first portion of the peripheral surface, wherein the first slot is shaped to receive a first elongated removeable device so that at least a portion of an overall length of the first elongated removeable device is exposed by the opening of the first slot..."

In the Final Office Action, Examiner cited the provisional application, but did not point out where in the document the corresponding features of what Applicant is claiming can be found. Because this was the first time the provisional application was used as a reference, Applicant believes the finality of the Office Action was premature.

CONCLUSION


Applicants respectfully submit that all pending claims are patentable over the art of record. Accordingly, a Notice of Allowance is requested by Applicants. Applicants urge the Examiner to telephone Applicants' attorney at (408) 551-6632 if any issues remain that preclude allowance of the application. The Office is given permission to charge any unpaid fees to Applicants' deposit account (50-1914).

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Respectfully submitted,

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Dated: 3-29-04


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BY:  3/29/04

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